

ture. If the Legislature could add new qualifications, they could say that the Senator should have attained the age of fifty years, or been twenty years a citizen of the United States. These provisions would be merely adding to the constitution, and not in terms in conflict with it. His opinion was that any qualification added by the constitution of the State or by the Legislature, would be null and void. If otherwise, then the Legislature could say that the Senator must be of this or of that religion, or of this or that political party, or some particular profession or trade. They might go into the most minute details upon the subject, if they could go a single step beyond the requisitions of the constitution of the United States. Thus if giving the power to superadd any qualification whatever, was a violation of the spirit and design of the constitution of the U. States, as well might the Legislature add as many additional qualifications as it thought proper to the members of the Legislature or other state officers whose qualifications were prescribed by the constitution of the state.

Mr. SOLLERS said that had he entertained a single doubt of the obligatory force of the law of 1810, he would have considered himself bound under the oath he had taken as representative, to have introduced a bill for its repeal. Whatever might be the opinion of the gentleman from Kent (Mr. Chambers) it was the general opinion of the people of Maryland, upon both shores, that each shore was entitled under that law to a senator. That was certainly his own construction of the law.

Mr. JENIFER said that the question was not so much whether it would be contrary to the federal constitution to district the State, as whether if such a provision should be passed, and if the legislature should afterwards disregard that provision in the state constitution, the congress of the United States would have a right to annul the action of the legislature in electing a senator in contravention of that provision. Although the provision might not be unconstitutional, it might still be beyond the jurisdiction of the Senate of the United States to see that it should be enforced. If the constitution of the State should contain a provision that the Eastern Shore should always have one senator and the Western Shore the other, and if the Legislature should then elect both from the Eastern or both from the Western Shore, would not the senators thus elected be admitted into the Senate as having been elected conformably with the provisions of the federal constitution?

Mr. RANDALL wished again, as he had yesterday, to call attention to another clause of the same section of the constitution of the U. States, which had been repeatedly quoted, in order to show that the same power vested in the legislature as to the time, places and manner of electing senators and representatives, were also vested in congress:

"The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the place of choosing senators.

Admit that the Legislature have the power to district the State, and the necessary consequence would follow that Congress have the power to alter that mode. If Maryland could divide the State into three senatorial districts, and require residence in their districts respectively as a qualification of senators of the U. States, Congress could add three other or twenty other districts from which in turn the senator should be taken. What a fearful power would thus be placed in Congress!

Mr. BRENT. Has not Congress undertaken to say that representatives shall be elected from districts?

Mr. RANDALL. Not from districts but by districts! But in this law Congress does not impose any new qualification upon representatives, as residence in a district, as is here proposed to be done upon senators.

If the Legislature or the framers of this Constitution have the power to add to the other qualifications of senators of the United States to be elected by this state as prescribed by the constitution of the United States—then have Congress the same power to make and alter such regulations.

If you prescribe that the senator to be elected at any particular time should reside in one part of the state, they may repeal that regulation and require him to reside in another part of the state. Suppose Congress to desire to prevent the election or re-election by the legislatures of the states of any particular senators—all they would have to do to effect this object would be to pass a law requiring senators to be elected from particular districts of the state, and so to arrange them that the senators whose elections they desire to defeat, shall not reside in the districts whence these next senators are to be selected. Thus the states may be virtually deprived of the constitutional exercise of this important selection of their representatives in the Senate of the United States; and this too may be changed as often as Congress may change its own personal preferences or prejudices for or against parties or individuals.—Apart then from the alleged violation of the constitution of the United States in this proposition to add to the qualifications of senators, another qualification not presented by that constitution, I submit that this proposition would be dangerous in the extreme, because it would so far as this Convention's action could do so, confer on Congress a power they do not and ought not to possess.

This question was no new one. It was surprising with what foresight the framers of this Constitution anticipated all these difficulties which had been re-opened and discussed in our day. It was one of the objections to the formation of the Constitution of the United States that it vested in Congress this very power, and the States at the time, alive to their interests on this point, apprehended that it might vest too much power in Congress. As is said in a number of the Federalist, which discusses the objection made to this very article, that a very learned and influential statesman of that day declared that this very article was the only one in the Constitution of the United